

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

TSUKAMOTO, Hisashi et al.

Serial No: 10/665,509

Filed: September 17, 2003

For: ELECTRIC STORAGE BATTERY
CONSTRUCTION AND METHOD OF
MANUFACTURE

Art Unit: 1745

Examiner: N/A

**TRANSMITTAL OF
INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

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Date

Dear Sirs:

1. ☒ The information disclosure statement submitted herewith is being filed within three months of the filing date of the application other than a continued prosecution application, or within three months of the date of entry into the national stage of an international application, or before the mailing date of a first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under §1.114, whichever event occurs last. 37 C.F.R. §1.97(b).
2. ☐ The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(b), but *before* the mailing date of a final action under §1.113, or a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, whichever occurs first. A statement specified in §1.97(e) or a fee set forth in §1.17(p) is included. 37 C.F.R. §1.97(c).

§1.97(e) STATEMENT

I, the person signing below, state:

- ☐ that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

- ☐ that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

OR FEE

- ☐ Attached is a fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c). (\$180.00).
 - ☐ Please charge the fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c) (\$180.00), and charge any insufficiency or credit any overpayment, to the credit card identified on Form PTO 2038 submitted herewith. If for any reason the credit card so identified is refused, please charge the necessary amount to Deposit Account No. 50-0921, referencing docket number _____. A copy of this petition is enclosed.
3. ☐ The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(c), but before, or simultaneously with the payment of the issue fee. A statement specified in §1.97(e) and a fee set forth in §1.17(p) are included. 37 C.F.R. §1.97(d).

§1.97(e) STATEMENT

I, the person signing below, state:

- ☐ that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

- ☐ that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

AND FEE

- ☐ Attached is a fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(d). (\$180.00).
 - ☐ Please charge the fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c) (\$180.00), and charge any insufficiency or credit any overpayment, to the credit card identified on Form PTO 2038 submitted herewith. If for any reason the credit card so identified is refused, please charge the necessary amount to Deposit Account No. 50-0921, referencing docket number _____. A copy of this petition is enclosed.
4. The filing of an information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b) [37 C.F.R. § 1.97(h)]. Further, applicants make no admission that all references presented here are prior art in relation to the present application.

5. If it should be determined that for any reason either an insufficient fee or an excessive fee has been paid, please charge any insufficiency or credit any overpayment necessary to ensure consideration of the information disclosure statement for the above-identified application to the credit card identified on Form PTO 2038 submitted herewith. If for any reason the credit card so identified is refused, please charge the necessary amount to Deposit Account No. 50-0921. **A copy of this petition is enclosed.**
6. A list of 111 reference(s) is in the enclosed Form PTO-1449. 28 reference(s) are enclosed.
- ☐ Pursuant to 37 C.F.R. § 1.98(d), a copy / copies of some of the listed reference(s) is / are not provided since it is / they are of record in parent application Serial No. ___ filed __, the benefit of the filing date of which is claimed herein under 35 U.S.C. § 120.
- ☒ The instant application having been filed after June 30, 2003, copies of U.S. references are omitted pursuant to 1276 Off. Gaz. Pat. Off. 55, 8/5/2003: "The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003. See 37 CFR 1.491(b)."

NON-ENGLISH LANGUAGE REFERENCES

- ☐ Enclosed is a search report for a counterpart application. The search report Examiner has provided comments on the relevancy of any non-English language references cited in the search report.
- ☐ The specification incorporates comments on the relevancy of Non-English language references.
- ☐ Set forth below are comments provided by the applicant's home country counsel on the relevancy of non-English language references: N/A

[COMMENTS OF APPLICANT'S HOME COUNTRY COUNSEL]

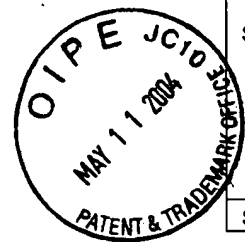
Respectfully submitted,

By: 

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Date: May 7, 2004

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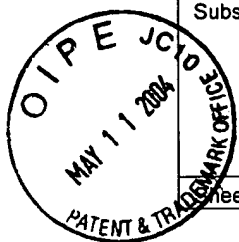
Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>		<u>Complete if Known</u>			
		Application Number	10/665,509		
		Filing Date	September 17, 2003		
		First Named Inventor	TSUKAMOTO, Hisashi et al.		
		Art Unit	1745		
		Examiner Name	N/A		
Sheet	1	of	4	Attorney Docket number	Q137-US9

US PATENT DOCUMENTS

Examiner Initials	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	Number - Kind Code		
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Examiner Signature		Date Considered	
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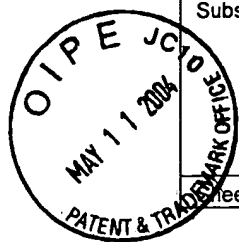
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		Examiner Name	N/A
Sheet 2 of 4	Attorney Docket number	Q137-US9	

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Sheet	3	of	4		

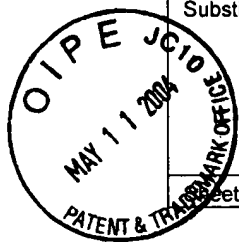
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	WO	03/096446	A1	11-20-2003	Hitachi Maxell Ltd.	X		X
	EP	1388905	A2	02-11-2004	Wilson Greatbatch Technologies, Inc.			X

OTHER DOCUMENTS

Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, cite and/or country where published
	A. RAWLE, "Basic Principles of Particle Size Analysis," Malvern Instruments Limited, downloaded from http://www.malvern.co.uk/malvern/rw_malvern.nsf/vwa_docref/IWTM%20particle%20size , no date.
	Table 14.4 Cathode Materials Used in Lithium Primary Batteries
	Unpublished International Application PCT/US03/21343, Applicant Quallion LLC, Inventors Lam et al., International Filing Date 09 July 2003.
	Preliminary Amendment filed in USSN 10/666,873, Tsukamoto et al., filing date September 17, 2003.
	International Preliminary Examination Report, dated 30 October 2003, received in relation to Application No. PCT/US03/01334.

Examiner Signature		Date Considered	
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Substitute for form 1449A/PTO		<u>Complete if Known</u>	
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		Art Unit	1745
		Examiner Name	N/A
		Attorney Docket number	Q137-US9
Sheet	4	of	4

OTHER DOCUMENTS

Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, cite and/or country where published
	Preliminary Amendment filed in USSN 10/478,920, Lam et al., filing date November 19, 2003.
	Preliminary Amendment filed in USSN 10/478,706, Nakahara et al., filing date November 19, 2003.
	Preliminary Amendment filed in USSN 10/484,474, Tsukamoto et al., filing date January 20, 2004.
	International Search Report, dated 01 Mar 2004, received in relation to Application No. PCT/US03/21343

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